

AO91 (Rev. 12/03) Criminal Complaint

UNITED STATES DISTRICT COURT

EASTERN

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

TEXAS

UNITED STATES OF AMERICA
v.

[REDACTED] David Mudry;

BY
DEPUTY KO

(Name and Address of Defendant)

APR 27 2016 CRIMINAL COMPLAINT

United States Courts
Case Number: 9:16-MJ-67 Southern District of Texas

H 16-645M

FILED
April 29, 2016

David J. Bradley, Clerk of Court

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 3/2/2016 in Houston County, in the Eastern District of Texas defendant(s) did,

(Type Statutory Language of Offense)

intentionally and knowingly conspire and agree with each other and with others known and unknown to distribute and to possess with the intent to distribute a Schedule II controlled substance, namely: methamphetamine

in violation of Title 21 United States Code, Section(s) 846.

I further state that I am a(n) FBI Special Agent and that this complaint is based on the following facts:

See attached Affidavit

Continued on the attached sheet and made a part of this complaint: Yes No

Keith Koncir

Signature of Complainant

Keith Koncir

Printed Name of Complainant

Sworn to before me and signed in my presence,

4/27/2016

Date

at

Beaumont

Texas

City

State

Keith F. Giblin

Name of Judge

Magistrate Judge

Title of Judge

Keith F. Giblin
Signature of Judge

9:16mj67

Affidavit for Criminal Complaint

I, Keith Koncir, am a Special Agent with the Federal Bureau of Investigation (“FBI”) assigned to the Houston, Texas Office. I have been employed with the FBI since 2002 and have experience working domestic terrorism, organized crime, complex narcotics investigations, and gang investigations. I am currently assigned to the Multi Agency Gang Task Force (“MAGTF”).

I submit this affidavit in support of a federal criminal complaint against [REDACTED] David MUDRY, [REDACTED] charging them with a violation of Title 21, United States Code, Section 846, conspiracy to possess with the intent to distribute and distribution of a controlled substance in violation of Title 21, United States Code, Section 841(a)(1). I have obtained the information contained in this affidavit from discussions with other law enforcement officers, through personal observations from my direct involvement in the investigation, and from interviews of witnesses and/ or cooperators. Since this affidavit is submitted for the limited purpose of charging the above-named individuals with a violation of 21 U.S.C. § 846, I have not included each and every fact known to me regarding this investigation. I have set forth only the facts necessary to establish probable cause to support the charge against each named individual.

On March 2, 2016, Investigator Jerry Kaelin of the Houston County Sheriff’s Office (“HCSO”) was conducting a theft investigation in Houston County, Texas. Houston County, Texas is located entirely in the Eastern District of Texas. One of the primary suspects, who for purposes of this affidavit will be identified as Confidential Human Source 1 (“CHS1”), was arrested by HCSO on state theft charges and was found hiding a stolen four-wheeler in the woods near the residence of [REDACTED]. Investigator Kaelin interviewed [REDACTED] on March 2, 2016. SWOVELAND stated that CHS1 had six or seven ounces of methamphetamine in his/her possession and had provided [REDACTED] with a quantity of methamphetamine out of the six or seven ounces as payment to stay in a shed/ workshop located on [REDACTED] property. [REDACTED] stated that CHS1 sometimes slept in the shed, but that SWOVELAND used the shed as a workshop and had complete access to it. [REDACTED] unlocked the shed with his key. Law enforcement entered the shed with [REDACTED] consent and observed narcotics paraphernalia, including glass pipes, in plain view. Investigator Kaelin asked [REDACTED] if there was any methamphetamine in the shed and [REDACTED] grabbed a wooden box and handed it to Investigator Kaelin. Inside the box were syringes, pipes, and a dark brown bottle containing an off white crystal substance believed by Investigator Kaelin to be crystal methamphetamine. The crystalline substance weighed 19.5 grams and field tested positive for methamphetamine. [REDACTED] identified this methamphetamine as the methamphetamine provided to him by CHS1 earlier on March 2, 2016. [REDACTED] also stated that two vehicles in his yard belonged to CHS1. One of the vehicles was operable, but the other was on blocks and was inoperable. [REDACTED] stated that CHS1 uses a magnetic case

to hide methamphetamine under the vehicles. [REDACTED] also stated that CHS1 uses his/her telephone to take photographs of his/her methamphetamine. Investigator Kaelin had the operable vehicle towed to the HCSO and drafted search warrants for the vehicle and telephones found in CHS1's possession at the time of his/her arrest. The warrants were signed by a district judge in Houston County.

CHS1's telephones were searched and revealed evidence of a much larger methamphetamine trafficking organization operating in Harris County, located in the Southern District of Texas, and Houston County, located in the Eastern District of Texas. Law enforcement observed multiple photographs of wire transfer receipts showing that CHS1 was transferring money from a Walmart located in Crockett, Texas to a Walmart located in the Southern District of Texas. Crockett, Texas is located in Houston County, Texas. Investigator Kaelin requested assistance from the MAGTF in Harris County, Texas to assist in the investigation.

CHS1 was interviewed with defense counsel and admitted his/her involvement in trafficking methamphetamine from Harris County, Texas to Houston County, Texas. CHS1 identified his/her primary source of supply as David MUDRY who lived at 11510 Ezekiel Road, Tomball, Texas. CHS1 stated that he/she would pay MUDRY for methamphetamine by transferring money through a money transfer service provided by Walmart. CHS1 also identified [REDACTED] [REDACTED] as a methamphetamine trafficker from Houston County who was supplied methamphetamine by Mudry.

On March 28, 2016, [REDACTED] was arrested by the Harris County Precinct 4 Constable's Office leaving 11510 Ezekiel Road in Tomball, Texas on a traffic stop. The Harris County Precinct 4 Constable's office had previously identified this address as a residence associated with narcotics trafficking. [REDACTED] had in her possession 952.54 grams of methamphetamine, several syringes containing approximately 46 grams of methamphetamine, .05 grams of cocaine, 5.32 grams of Xanax, 14 pills of Clonazepam, a Smith and Wesson .380 pistol and a DBK 9 mm pistol. SELDEN waived her *Miranda* rights and stated that the narcotics found in the vehicle belonged to her friend "Dave". [REDACTED] stated "Dave" had called her to help him move his belongings from the residence located at 11510 Ezekiel Road. [REDACTED] stated she did not know "Dave" had put narcotics inside the vehicle she was driving and would not have gone to the residence if she knew he was going to do that. [REDACTED] advised that "Dave" told her he was moving because he was being investigated by the police. She stated that "Dave" was packing up his belongings in a rush. Law enforcement believed that "Dave" was David MUDRY. This belief was based on the fact that [REDACTED] was stopped leaving a residence that CHS1 had identified as MUDRY's residence and law enforcement's knowledge that [REDACTED] and MUDRY were in a romantic relationship. When MUDRY was later arrested, he told investigators that he believed [REDACTED] was attempting to steal his drugs.

On March 30, 2016, CHS1 made several consensually recorded telephone calls to MUDRY discussing the purchase of methamphetamine. On March 30, 2016, at the direction of law

enforcement, CHS1 purchased 3 ounces of methamphetamine directly from MUDRY. One ounce was purchased from MUDRY at the Rodeway Inn located at 2531 FM 1960 Rd E in Houston, Texas. The other two ounces were purchased from MUDRY at 11209 Old Fairbanks N Houston Road in Houston, Texas. All three ounces field tested positive for methamphetamine.

On March 30, 2016, while conducting the first controlled purchase, [REDACTED] [REDACTED] was observed by law enforcement leaving the Rodeway Inn hotel room that MUDRY was using to distribute narcotics. CHS1 advised that [REDACTED] was picking up multiple ounces of methamphetamine to transport to Houston County, Texas. CHS1 previously identified [REDACTED] as a methamphetamine trafficker who was supplied by Mudry. CHS1 stated that [REDACTED] lived in Crockett, Texas and distributed methamphetamine in and around the Crockett, Texas area. [REDACTED] was followed away from the hotel and stopped by the Harris County Sheriff's Department for speeding. [REDACTED] was not in possession of a driver's license and appeared nervous at the scene. [REDACTED] denied consent to search his vehicle at which time a canine unit was called to the scene and alerted on the vehicle. Located in the vehicle were two clear plastic baggies containing a crystalline substance and a Ruger semiautomatic pistol. The substance weighed approximately 169.5 grams and field tested positive for methamphetamine. [REDACTED] was arrested and law enforcement confirmed that [REDACTED] had ties to the Eastern District of Texas. At the time of [REDACTED] arrest, he provided a current address in Crockett, Texas. Additionally, the vehicle [REDACTED] was driving was registered to an individual whose address was also in Crockett, Texas. The room MUDRY was occupying at the Rodeway Inn was paid for and in the name of [REDACTED]. Law enforcement determined that [REDACTED] had multiple outstanding traffic warrants.

On March 31, 2016, David MUDRY was arrested in Spring, Texas for an outstanding traffic warrant issued by the Pasadena, Texas Police Department. During the traffic stop, MUDRY made a *res gestae* statement that he had narcotics and a firearm in the vehicle. A search of the vehicle resulted in the recovery of 140 grams of a crystalline substance that field tested positive for methamphetamine, 2.02 grams of Xanax and a Springfield XD .45 caliber pistol that was reported stolen out of Montgomery County, Texas. After being advised of his *Miranda* warnings, MUDRY admitted to trafficking methamphetamine and stated that he was supplied by a Hispanic male he identified only as [REDACTED]. According to MUDRY, [REDACTED] typically delivered the methamphetamine in a burgundy Saturn vehicle. MUDRY cooperated with law enforcement and agreed to make a telephone call to [REDACTED] to order methamphetamine. On March 31, 2016, [REDACTED] agreed to provide MUDRY with approximately 18 ounces of methamphetamine.

On April 1, 2016, MUDRY received a text message from [REDACTED] stating that he had the methamphetamine ordered the previous night and was ready to meet. MUDRY told [REDACTED] to bring the methamphetamine to the Room 261 of the Baymont Inn & Suites located on 45 and 1960 in Houston, Texas. A short time later, a burgundy Saturn arrived at the Baymont Inn &

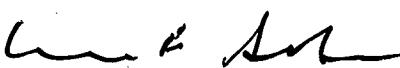
Suites. A Hispanic male exited the passenger side of the Saturn and walked directly to room 261 and knocked on the door. The Hispanic male was detained and identified as [REDACTED]. [REDACTED] was identified as the driver of the Saturn and the same individual who had rented the room for MUDRY when MUDRY sold methamphetamine to CHS1 and [REDACTED] was taken into custody for the outstanding warrants. Law enforcement observed a Tupperware container in the front passenger compartment of the Saturn on top of the seat that contained a crystalline substance. The substance weighed approximately 539 grams and field tested positive for methamphetamine. [REDACTED] made a *res gestae* statement that he was there because someone told him to deliver drugs. On April 1, 2016, I along with FBI Special Agent Bryan Ellis interviewed [REDACTED] was read his *Miranda* warnings which he waived and stated that he had been involved in trafficking methamphetamine with [REDACTED] since 2012.

Information provided by CHS1 was corroborated through controlled purchases, traffic stops, recorded calls, and interviews. The investigation revealed that [REDACTED] aided and abetted by [REDACTED] supplied large quantities of methamphetamine to MUDRY in the Southern District of Texas and that MUDRY supplied CHS1 and [REDACTED]. CHS1 admitted to traveling between the Eastern and Southern districts of Texas to obtain bulk quantities of methamphetamine which were distributed in the Eastern District of Texas. CHS1 would pay MUDRY for the methamphetamine through wire transfers via a service provided by Walmart, and would wire money from the Eastern District of Texas to the Southern District of Texas. CHS1 provided methamphetamine to [REDACTED] on at least one occasion as payment for staying on [REDACTED] property. [REDACTED] a resident of Crockett, Texas was traveling to the Southern District of Texas to pick up bulk quantities of methamphetamine from MUDRY to transport and distribute in the Eastern District of Texas. Therefore, I respectfully request that a warrant be issued for the arrests of [REDACTED] David MUDRY, [REDACTED] charging them with a violation of Title 21, United States Code, Section 846, conspiracy to possess with the intent to distribute and distribution of a controlled substance.



Keith Koncir
Special Agent
Federal Bureau of Investigation

Subscribed and sworn before me this 27th day of April 2016.



Keith F. Giblin
United States Magistrate Judge
Eastern District of Texas

UNITED STATES DISTRICT COURT

EASTERN District of TEXAS

UNITED STATES OF AMERICA

WARRANT FOR ARREST

V.

David Mudry

Case Number: 9:16-MJ-67-3

To: The United States Marshal
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest

David Mudry

Name

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

- Indictment Information Complaint Order of court Probation Violation Petition Supervised Release Violation Petition Violation Notice

charging him or her with (brief description of offense)

Conspiracy to distribute and to possess with the intent to distribute a controlled substance

in violation of Title 21 United States Code, Section(s) 846

Keith F. Giblin

Name of Issuing Officer

United States Magistrate Judge

Title of Issuing Officer

Signature of Issuing Officer

4/27/2016

Beaumont, Texas

Date and Location

A TRUE COPY I CERTIFY
DAVID A. O'TOOLE, CLERK
U.S. DISTRICT COURT
EASTERN DISTRICT, TEXAS
BY

RETURN

This warrant was received and executed with the arrest of the above-named defendant at

DATE RECEIVED 4/27/16	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		